

530

FILED

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name MALDONADO .J.R. CARMEN ROY
 (Last) (First) (Initial)

Prisoner Number T-72346

Institutional Address On parole po. box 2790 Salinas C.A. 93902

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CARMEN ROY MALDONADO J.R.

(Enter the full name of plaintiff in this action.)

CV 07 5679

vs.

JUDGE STEVEN R. SANDERS THE ACTTING

D.A JOHN J. SANSFIELD

THE DEPUTY COMMISSONER OF THE

DEPT OF CORRECTIONS OF C.D.C

(Enter the full name of respondent(s) or jailor in this action)

Case No. _____
 (To be provided by the clerk of court)

**PETITION FOR A WRIT
 OF HABEAS CORPUS**

**JF
 (PR)**

INTRODUCTION

I.

On 3-07-07 I received your review of notification
 that your counsel never received the proper documents
 In which I had mailed to the right address that In
 which your own dept had sent me an self address
 envelope to send the request that your office was requesting
 of what your office stated they never had received.

Now I havve proff that I did follow the request that
 PET. FOR WRIT OF HAB. CORPUS

075079JF

1
2
3
4 you based your judgement on .

5 On the second matter the full PETITION FOR A WRIT OF
6 HABEAS CORPUS HAD MEET THE LEGAL guildlines
7 if for some reason the PETITION did not reach the right
8 or proper legal form to at least to be revied to see if ther
9 was any default in both cases that Iam requesting to be
10 heard so we can proceed the next steps so there wont be
11 any counter suit or be nor put for

12 PRO BAIT.

13 Now as we continue on 06-11-06 I abreasted your office after
14 the notifying me of error in which I had NO notification
15 of receiving such documents from my legal team.

16 INTRODUCTION

17 II.

18
19 In all PETITION I had stated in all the proper forms in
20 what we were requesting as an relief of time spent
21 incarcerated this same team had indander my life
22 and all those who wher around me at the time if your request
23 an inquiry review In which your team will find that
24 this team has some dealings of why I was sent to STATE
PRISON on: #cc101331 Fed 22 01.

25 I hope your investigate team find the same of
26 or match up with the same reports that we have
27 as we move on
28

1 In re writ of petition CR 06 00676
 2 on my criminal case as well on the petition that the judge
 3 never answered be in MEMORANDUM.
 4 But on the criminal matter I open wanted an jury trial into way I
 5 was not released if officers though I belong to this call nor
 6 the other calls made that night I have an right to be hold to
 7 charges that the state of california stated I committed.
 8 Since the duputy commisser took in hear say as creditable
 9 eye wittnes to her claim but later through my own
 10 investagtion into the matter found out that nothing that she clai
 11 med she saw took place well being put into the safty cell on
 12 the nighth of my arrest also none of the arrestig officers
 13 never stated in there reports that a struggle took place
 14 but an officer claimed I kicked his police car from the inside
 15 Iam seeking an investagtion into this matter and seeking money
 16 suit well sent to state prison as well the cost for keeping me
 17 on state parole and meetting the securty needs to suit the needs
 18 of parole and damages according to proof .
 19 ATTORNEY FEES AND THE COST OF LAWSUIT AS WELL OF AN JURY TRIAL
 20 AND ANY OTHER FEES THE COURT IS SUITABLE FOR US.
 21 AND HAVING MY STATE DISMISSED IF THE STATE IS FOUND GUILTY
 22 TO MY CLIAIS

23 In S144864 THE SUPREME COURT OF APPEALS RULED THAT MY PETITION
 24 FELL under the SWAIN (1949) and in re PEOPLE VS, DUVALL
 25 (1995) all my cases have creditable proof to support my claim
 26 and my case dose not fit the case line of what you cited on
 27 set date of denied .

28 On PETITION OF WRIT CR 05 02107. the county refuse to follow

the proceedings see 56 CAL RPTR.

In which the police officer open addmitted of error
 in investagtion into if this crime fit on other calls
 made this officer rigths were read so she wavierd her FIFTH
 AMENDMENT RIGTHOF MIRANDA RIGTHS.

On her statement there was not enough of evidence to
 support the charges in court nor in the parole hearing
 I have the TAPE to support the claim

In re VALDIVIA VS SCHWARZENEGGER.

I did follow the proper guidelines that the state allows an
 state parole to see if there case meets the in justice that
 state parole claimed to the GOVERNOR OF THE STATE OF CALIFORNIA
 my APPEAL is based on that their no parole
 C.D.C. law of adding on SUPPLEMENTAL with out noticfyng
 nor giving enough time to an state parole to confront
 any evidence towards any parole be it criminal nor in a
 state parole hearing.

A

Once in the safty cell the officers started to use a bit of f. c
 I did what the officers odered me to do Iam a big
 person and of me dealing in the past with the police
 the officers ordered me to the ground and face the wall in
 then I felt a bit of froce was being used so I raised to my
 feet and asked why such force was being used on me the
 officers just ordered me to get back on to my feet then the
 officers removed the following.

PLEASE NOTE ANY INMATE THAT IS HOUSED IN THE SAFTY CELL
 NEEDS TO BE SEEN BY MENTAL HEALTH BEFORE BEING HOUSED
 INTO THE COUNTY JAIL IN ALL THE VISITS MADE BY THEM
 I DID NOT SHOW OR THREATEN THEM IN NO FORM.

Onced I was aranged for ahearing in criminal
 me and the judge had a few legal words for the recordI
 WANTED TO GO PER-PRO. Later I got an attorney and told her
 I wanted to go to a jury trial as the case went through as
 evidence was comming in my state and criminal attorney
 found out that there was oyher 911 calls made of a gang
 related shooting or shots being fired at the same
 address where I left We were waitting for more evidance to
 come in from another branch in sacramento but the trial
 judge just dismissed the case and refuse the delay in which
 I would had waited for But before the dismissal the courts
 and the justiced dept pleaded to to take an deal in
 which I delined totake knowing all this from my attorney
 the judge droped my bail knowing I would return back
 to state prison and with my attorney the following week droped
 the whole case in the mitts of all this I had cut all
 visits and broke off all contacts with my girlfirend
 at the county jail if some how you can get the tapes
 you will hear the entrapment but I kmow about the law
 talking on the phones or in the open court room
 of the right of being recorded an prisonner loses that right
 to privte.

With that said I now excuse my self

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page 5 of 5

SHORT TITLE:

CASE NUMBER:

ATTACHMENT (Number): _____

Page 3 of 4

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

Which may affect; add or amended nor attachments of charges before a board hearing that is scheduled to provide information to the board with information related to charge sheet or violation to provide additional information to the charges at the time of board hearing or to change the P&CSD recommendation.

A copy of any additional or any new information within the time limits so the inmate or parolee and board can be aware of facts on both sides to confront evidence. The federal and state guidelines over sees these hearing so parolees could have a fair hearing.

To give a copy to the inmate or parolee is four days after the parole dept finish their report to the state and state board of prison terms.

THE GROUNDS OF RELIEF:

The state deputy commissioner failed to follow the FEDERAL and STATE guidelines that have been laid out for state : : : commissioners to abide by the appeals court that this kind misconduct is still happening to inmates and parolees after the parole dept had support their claim with the support of information of the evidence of a 911 tape that was release so the state office of parole notified me of the charges of:

COND. UNDER THE INFLUENCE OF METHAMPHETAMINE (780),
COND. ATTEMPTED CARJACKING (991)
COND. POSSESSION OF A FIREARM.

SEE EXHIBIT. PAGES 1 & 2 of charge sheet.

In exhibit 2. of 2 of before i went to my board hearing the state found some evidence to add on a new charge of cond of VANDALISM/ MALICIOUS MISCHIEF (972).

In later the STATE DEPUTY FOUND NO CAUSE TO R.T.C. so all supported charges were dismissed and then he add on his own charges as a supplemental of a NON - VIOLENT CRIME UNDER THE C.D.C. 86020.2.9 TYPE II (938) of RESISTING ARREST.

PLEASE SEE PETITION OF WRIT OF HABEAS CORPUS
"CR - 05 - 02107 as evidence.

See EXHIBIT. of the police report PAGES 1 - 6.
In that exhibit 1 of such report you could see none of any police officers never stated of what the officer claimed to or stated under oath.

This writ was never heard cause i was transferred back

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

ATTACHMENT (Number): _____

Page 4 of 6

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

To state prison on set date of 12-22-05.
PLEASE SEE EXHIBIT-3.

In writ case #CR-06-00676.

The hearing judge showed no desire to trial this case nor
exact the evidence that was coming forward and to exact the
two petition of writ to appeal this case and his decision
of dismissal.

ACCUSATIONS AGAINST LOCAL OFFICERS.

The grand jury has the authority to file an accusation
against any locally elected appointed public officer, that person
with willful or corruption or misconduct well in office.
See GOVT. C 3060. SEE PEOPLE VS HARBY (1942) 51 CA2d 759,
125 P 2d 874.

The accusation may charge violation of a
specific statutory duty. It may, but need not, cite the violation
of a PENAL CODE SECTION OR A CRIMINAL ordinance.

Must accusation is processed as if it were
criminal case, and the allegation must be proven beyond a
reasonable doubt GOVT C3070.

The sole consequence of a determination
that an accusation is true is removal of the accused public
officer from office.

83.13(3)(a).EVIDENCE.

See PEOPLE VS DICKINSON (1976) 8 Cal. App. 3d 314, 318 cal
Rptr (dicta) (admission of evidence, over objection, of
absence of entry in business record by affidavit in criminal
action.

Would violate defendants right to confront witness
guaranteed by cal. const. art. 15 and .U.S. Const. Amend. VI).

In re GAULT 1967 387 U.S. 1 47 48 18 1 ed 7d 527 87 ct 1428
PEOPLE VS LEVEY 1973 4 cal 3d 648 652 105 cal Rptr
516 504 P 2d 452.

Privilege applies to testimony that could furnish link in
chain of evidence needed for evidence obtained in violation
M.R. unless asserted or were adoptive admissions.

INADEQUATE REPRESENTATION BY DEFENSE COUNSEL REQUIRES DISMISSAL, OR A REVERSAL OF CONVICTION NOR DECISION.

U.S. Const. amend. 5, 6 and 14; Cal Const. art. I, 7 and
15; PEOPLE VS MARS DEN, supra).

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under
penalty of perjury.)

ATTACHMENT (Number): _____

Page 5 of 6

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

If a defendant can show good cause of misconduct and adequate representation by defense counsel at critical stages of a criminal proceedings by violating the due process of provisions of the UNITED STATES and CALIFORNIA constitutions.

THE FOURTEENTH Amendment of the UNITED
STATE CONSTITUTION.

1782. In general

Every person who having taken an oath that he or she will testify declare depose or certify truthfully before any competent tribunal officer or person in any of the cases in which such an oath may by law be administered willfully and contrary to such oath states as true any material matter which he knows to be false and every person who testifies under penalty of perjury.

See PEOPLE VS ARNOLD (1980) 105 Cal, App,3d 459-460, 164 Cal Rptr, 367 (dismissal contrary to specific legislative policy cannot be in furtherance of justice).

PEOPLE VS FRETWELL 1970 8 cal App. 3d Supp. 37, 41, 87 cal. Rptr. 356 (dismissal ordered before any witnesses sworn or evidence taken was abuse);

51.21(4) DEFERRAL DIVERSION &
DISMISSAL.

(4) ABUSE OF DISCRETION.

A municipal court judge, in exercise of magistrate under penal code section 1385(a) is broad, the discretion of an officer of the court dismissed an case without or used the based of facts of evidence and grounds of dismissal of justice.

PLEASE SEE EXBIT. 4.

of letter from my attorney dated jan 3 06.

PLEASE SEE EXBIT.5.

of three min orders dated 9-20-05 and 12-13-05 and 12-29-05.

PLEASE SEE EXBIT.6.

of petition of writ dated and filed: May 2-06.

PLEASE SEE EXBIT.7.

of order denying the petition of writ dated May 8-06.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

If all findings are all true and correct and foregoing as well as evidence that surrounds this case.

If an JURY TRIAL IS GRANTED AND FOUND NOT GUILTY I will file an civil law suit due to my trial if for some reason the goverment cant reach an decision I be open to the offers but Iam seeking money that is suitable to the defaults of what has been collected of jury trial attorney fees and the years and time spent behind bars in the state prison and the years that this team have been or at defaults surrounding this case as well the years on state parole as well the security to maintain me on state parole 42.U.S.1988;

So their forgoing all evidence that I have presnted to you is true and correct under of
penalty of perjury under of
the state of california.

DATED:

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

- 12 (a) Name and location of court that imposed sentence (for example; Alameda
 13 County Superior Court, Oakland):

14 _____
15 Court

Location

court #CR-05-01515.

- 16 (b) Case number, if known _____

- 17 (c) Date and terms of sentence _____

- 18 (d) Are you now in custody serving this term? (Custody means being in jail, on
 19 parole or probation, etc.) Yes X No _____

20 Where?

21 Name of Institution: On parole22 Address: po. box 2790 Salinas C.A. 93902

- 23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 CR#05-02107-appealing (9780) under the influence of meth
 27 (991) attempted carjacking. (825) possession of a firearm. (972)
 28 vandalism/malichief. Appealing judge and my attorney to not

have my wishes to use the rights that are allowed for all
 PET. FOR WRIT OF HAB. CORPUS

defendants to exercise there constitutional rights.

In this case that was brought in front of the residing
judge of MR STEVEN R SANDERSPC-148(a)(1)

HS11550(a)- court case# CR-05-01515.

3. Did you have any of the following?

Arraignment:

Yes X No

Preliminary Hearing:

Yes X No

Motion to Suppress:

Yes _____ No _____

4. How did you plead?

Guilty _____ Not Guilty x Nolo Contendere _____

Any other plea (specify) _____

5. If you went to trial, what kind of trial did you have?

Jury _____ Judge alone _____ Judge alone on a transcript _____

6. Did you testify at your trial?

Yes _____ No X

7. Did you have an attorney at the following proceedings:

(a) Arraignment

Yes X No

(b) Preliminary hearing

Yes X No

(c) Time of plea

Yes X No

(d) Trial

Yes _____ No _____

(e) Sentencing

Yes _____ No _____

(f) Appeal

Yes _____ No _____

(g) Other post-conviction proceeding

Yes _____ No _____

8. Did you appeal your conviction?

Yes _____ No _____

(a) If you did, to what court(s) did you appeal?

Court of Appeal

Yes x No

Year: 5-30-06

Result: ~~DENIED A113956~~

Supreme Court of California

Yes X No

Year: III-07-06

Result: DENIED S-144864

Any other court

Yes X No

Year: 12-13-06

Result: DENIED Cr-0501515

NEVER HEARD CR-0502107
CR-0600676

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes X No

(c) Was there an opinion? Yes X No

(d) Did you seek permission to file a late appeal under Rule 31(a)?
Yes No X

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes X No

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Cr-0502107 SAN BENITO COUNTY

Type of Proceeding: NEVER HAD AN HEARING OR FEED BACK.

Grounds raised (Be brief but specific):

a. THEIR WAS MISCONDUCT ON THE BEHALF ON THE AGENCIESTHAT WERE INVOLVED IN COLLECTING

b. ANYTHING THAT HAD TO SURROUND THIS OR

SUPPORTTING THIS CASE OR THE STATES CASE.

Result: NONE Date of Result: NONE

II. Name of Court: Cr-06-00676 SAN BENITO COUNTY

Type of Proceeding: AWAITTING JURY TRIAL

Grounds raised (Be brief but specific):

AWAITTING ON EVIDENCE IN WHICH THE
a. _____
b. GAIN TRIED OF POSTPONING IN WHICH
c. I ADDRESSED THE THAT I WAS WILLING
d. TO WAIT TO LET THE AGENCIES HAD TIME TO

TURN IN THERE INFO.

Result: _____ Date of Result: JAN-3-06

III. Name of Court: Cr-05-01515 SAN BENITO COUNTY

Type of Proceeding: CRIMINAL

Grounds raised (Be brief but specific):

a. SAME AS ABOVE OF FACTS

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

IV. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

Yes ☒ No ☐

UNITED STATES DISTRICT COURT FOR THE
Name and location of court: NORTHERN DISTRICT

B. GROUNDS FOR RELIEF

C-065561

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened?

Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

PET. FOR WRIT OF HAB. CORPUS

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: All what I am raising or bring in front of
6 your eyes have be looked at and meet all state federal
7 guildlines of law and merits

Supporting Facts:
8 51.21(4) DEFERRAL DIVERSION& DISMISSAL (4) ABUSE OF DISCRETION

9 In re WALTREUS rule are raised(1)Constitutional error;n74

10 When MOOT issues are raised,UNITED STATES VS.COMITO177 F.3d

11 1166(9th 1999) PEOPLE VS, LEVEY 1973 4 cal 3d 648 652 105

12 cal Rptr 516 504 P2d 452 any info or testimonythat furnish links

13 of evidence needed to support the state case can and willbe

Supporting Facts:
14 in violationof the defendants rights.

15

16

17 Claim Three:

18

19 Supporting Facts:

20

21

22

23 If any of these grounds was not previously presented to any other court, state briefly which

24 grounds were not presented and why:

25 Yes there were issues that surround this case but the C.I.

26 felt they could not release any of there info.

27 But after an investigation by my own defense we found out

28 that more information was involved but other information

that was still be collected was not creditable due to the C.I.

PET. FOR WRIT OF HAB. CORPUS

1 List, by name and citation only, any cases that you think are close factually to yours so that they
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning
3 of these cases:

4 PEOPLE VS, HARBY(1942) 51 ca 2d 759,125 P 2d 874
5
6

7 Do you have an attorney for this petition? Yes X No

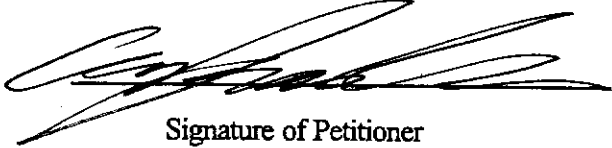
8 If you do, give the name and address of your attorney:

9 CARMEN ROY MALDONADO J.R. PO.BOX 2790 SALINAS C.A. 93902

10 ~~still seeking joined counsel as an legal team~~
WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12
13 Executed on 3-7-07

14 Date

15 
Signature of Petitioner

16
17
18
19
20 (Rev. 6/02)

Salinas C.A. 93906

**SUPREME COURT
FILED**

JUL 07 2006

CDC or ID Number T-72346

CALIFORNIA **Frederick K. Ohlrich Clerk**STATE SUPREME COURT DEPUTY

OF

COUNTY OF SAN FRANCISCO
(Court)

CARMEN ROY MALDONADO J.R.

Petitioner

vs.

C.d.c. and the County of SAN
BENITO County.Respondent CIVIL AND CRIMINAL
APPEAL

PETITION FOR WRIT OF HABEAS CORPUS

No. _____

(To be supplied by the Clerk of the Court)

INSTRUCTIONS — READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies.
- If you are filing this petition in the California Supreme Court, file the original and thirteen copies.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rules 56.5 and 201(h)(1) of the California Rules of Court [as amended effective January 1, 1999]. Subsequent amendments to Rule 44(b) may change the number of copies to be furnished the Supreme Court and Court of Appeal.

Page one of six

☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline☒ Other (specify): On the decision of the judge on a civil and criminal matter.1. Your name: CARMEN ROY MALDONADO J.R.2. Where are you incarcerated? On parole3. Why are you in custody? ☐ Criminal Conviction ☐ Civil Commitment*Answer subdivisions a. through i. to the best of your ability.*a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

b. Penal or other code sections: _____

c. Name and location of sentencing or committing court: SAN BENITO COUNTY COURT.

d. Case number: CR-0501515 CRIMINAL. CR-0502107, CR-0600676 is civil.

e. Date convicted or committed: _____

f. Date sentenced: _____

g. Length of sentence: _____

h. When do you expect to be released? _____

i. Were you represented by counsel in the trial court? ☐ Yes. ☐ No. If yes, state the attorney's name and address:

4. What was the LAST plea you entered? (check one)

☒ Not guilty ☐ Guilty ☐ Nolo Contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☐ Judge without a jury ☐ Submitted on transcript ☒ Awaiting trial

S144864

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re CARMEN ROY MALDONADO on Habeas Corpus

Petition for writ of habeas corpus is DENIED. (*See In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

**SUPREME COURT
FILED**

AUG 02 2006

Frederick K. Ohlrich Clerk

DEPUTY

BAXTER

Acting Chief Justice